



BK 1802 PG 616



DEED 1987 05041

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WARRANTY DEED

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THIS DEED is made and entered into this 30<sup>th</sup> day of April, 1987, by MIDWAY DEVELOPMENT COMPANY, a Texas general partnership ("Grantor"), to BANK OF OKLAHOMA, N.A. ("BOK").

WITNESSETH, that in consideration of \$1.00, together with other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor hereby GRANTS, BARGAINS, SELLS and CONVEYS unto BOK the real estate situated in Douglas County, State of Nebraska, described on Exhibit "A" attached hereto, to have and hold same forever, together with all and singular tenements, hereditaments and appurtenances therein and thereto (collectively "Property"). Additionally, Grantor hereby GRANTS, BARGAINS, SELLS and CONVEYS unto BOK, its successors and assigns, all of Grantor's right, title and interest in any protective covenants, conditions or restrictions pertaining to the Property.

Grantor hereby represents and warrants to BOK, its successors and assigns, that: Grantor is lawfully seized of a fee simple estate in and to the Property; the Property is free and clear of any and all encumbrances of every nature and kind whatsoever, except those set forth on Exhibit "B", and Grantor shall warrant and forever defend same in the quiet and peaceable possession of BOK, its successors and assigns, against any and all lawful claims and demands; and Grantor has legal power and lawful authority to convey the Property.

GRANTOR HEREBY ASSERTS AND FULLY INTENDS THAT THIS TRANSFER SHALL CONSTITUTE AN ABSOLUTE CONVEYANCE OF THE PROPERTY, AND IT IS NOT GIVEN TO ANY EXTENT AS SECURITY. FURTHER, IT IS THE INTENT OF GRANTOR AND BOK THAT THE LIEN OF THE MORTGAGE OR OTHER COLLATERAL DOCUMENT OF WHICH BOK IS THE HOLDER SHALL REMAIN IN EFFECT, AND THAT NOTHING CONTAINED HEREIN SHALL CONSTITUTE OR CREATE ANY MERGER OF TITLE WITH RESPECT TO ANY MORTGAGE, DEED OF TRUST, LIEN OR ENCUMBRANCE HELD BY BOK.

Deed of Oklahoma, 74192

5041 Reg

RECEIVED  
1987 MAY -6 AM 10:20  
GEORGE J. DUCLEWICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

MIDWAY DEVELOPMENT COMPANY,  
a Texas general partnership

By James A. Moran  
James A. Moran,  
General Partner

By Henry R. Hoffman, Jr.  
Henry R. Hoffman, Jr.,  
General Partner

88/333+etc. etc.  
276/101  
1802 81/258+275+etc. etc.  
616-627 51/255- etc. VK MD B.C  
77.00  
OF Deed<sup>10</sup> COMP F/B 61-11230 etc

STATE OF Texas )  
COUNTY OF Dallas ) SS.

The foregoing instrument was acknowledged before me this 5th day of April, 1987, by James A. Moran and Henry R. Hoffman, Jr., as general partners of Midway Development Company, a Texas general partnership, on behalf of the partnership.



Debbie J. Good  
Notary Public

My Commission Expires:  
7-19-90

7133MDC-WD2

EXHIBIT "A"

LEGAL DESCRIPTION

Lots 13, 14 and 15; Lot 17, except the South 138 feet of said Lot 17; and Lots 18, 19, 20, and 34, in EMPIRE PARK, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska;

and,

All of Lot 24 and that part of Lot 23, in EMPIRE PARK, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of said Lot 24; thence West (assumed bearing), 155.00 feet, to the Southwest corner of Lot 24; thence West, 28.87 feet, along the South line of Lot 23; thence N. 00°10'58" W., 292.65 feet, to the North line of Lot 23; thence N. 85°45'50" E., 28.48 feet, to the Northwest corner of Lot 24; thence N. 85°49'29" E., 155.42 feet, to the Northeast corner of Lot 24; thence S. 00°11'10" E., 306.07 feet, to the Point of Beginning;

and,

Lot 44, and Lots 47 through and including Lot 54, in EMPIRE PARK - SECOND PLATTING, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska;

and,

Lot 2, Lots 4 through and including Lot 20, Lots 25 through and including Lot 34, except the East 6 feet of said Lot 34, Lot 37, except the East 6 feet of said Lot 37, Lots 38 through and including Lot 46, and, Lots 49 through and including Lot 67, All in EMPIRE PARK REPLAT II, an Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County, Nebraska.

Taxes and assessments for the year 1987 and subsequent years not yet due and payable.

Notice of Filing of Corridor Designation Protection filed June 25, 1986, in Book 779 at Page 34 of the Miscellaneous Records of Douglas County, Nebraska, gives notice that pursuant to RRS Nebraska Chapter 39, Articles 1311 thru 1311.05, that corridor protection has been filed on Lots 44 and 47 thru 54, Empire Park - Second Platting and Lot 34, Empire Park, abutting Interstate Highway 80 and adjoining County Roads.

Special taxes or assessments certified to the Office of the County Treasurer for collection at the date hereof.

Easements granted for utilities by Plat and Dedication of Empire Park, filed February 23, 1973, in Book 1474 at Page 59 of the Deed Records of Douglas County, Nebraska, over, upon or under a five foot strip of land adjoining the rear and side boundary lines of said lots, except for the West line of Lots 34, 35, 36, 37, 38, 39 and 40, where said license for a ten foot strip of land is given.

Further, grants easements as shown on Plat Survey.

Plat Survey reveals an easement of unknown purpose or dimension along the Southerly line of Lot 13, along the Northerly and Easterly lines of Lot 14, along the Westerly line of Lot 19, and in the Northwesterly corner of Lot 18.

Disclaimer and Release dated May 10, 1977, filed May 11, 1977, in Book 580 at Page 419 of the Miscellaneous Records of Douglas County, Nebraska, executed by Omaha Public Power District, releases and disclaims its easement rights over, along, upon and under the West 5 feet of Lots 35 thru 40, Empire Park. (Lot 38, Empire Park is now known as Lot 44, Empire Park - Second Platting.)

Release of Easement filed July 10, 1985, in Book 744 at Page 430 of the Miscellaneous Records of Douglas County, Nebraska, executed by Northwestern Bell Telephone Company, releases its easement rights in, under, upon, over and through the Northerly 5 feet of Lot 23, Empire Park.

Disclaimer and Release dated August 9, 1985, filed August 27, 1985, in Book 719 at Page 541 of the Miscellaneous Records of Douglas County, Nebraska, executed by Omaha Public Power District, releases its easement rights over, along, upon and above a strip of land five feet in width abutting the North line of Lot 23, Empire Park.

Covenants, conditions and restrictions contained in instrument dated June 23, 1964, filed October 13, 1964, in Book 118 at Page 193 of the Miscellaneous Records of Douglas County, Nebraska, which contains no forfeiture provision.

Covenants, conditions and restrictions contained in instrument dated February 22, 1984, filed February 24, 1984, in Book 705 at Page 629 of the Miscellaneous Records of Douglas County, Nebraska, which contains no forfeiture provision. (Affects all of subject property.)

Provisions for Architectural Control and Approval of Construction Plans set forth therein.

Assignment dated September 28, 1984, filed September 28, 1984, in Book 719 at Page 422 of the Miscellaneous Records of Douglas County, Nebraska, wherein Developer rights under the above Covenants were assigned to Midway Development Company, A Texas General Partnership.

Easement granted to Nebraska Power Company by instrument dated September 17, 1929, filed December 4, 1929, in Book 88 at Page 484 of the Miscellaneous Records of Douglas County, Nebraska, to construct and maintain electric transmission lines over, upon, along and above a 50 foot wide strip of land, the centerline being the West line of the SE1/4 of Sec. 5-14-12. (Affects the Westerly portion of Lot 34, Empire Park and Lot 44, Empire Park - Second Platting, and the Easterly portion of Lot 52, Empire Park - Second Platting.)

Easements granted to Omaha Public Power District by instruments filed December 13, 1957, in Book 327 at Page 131, and filed February 24, 1958, in Book 329 at Page 55, both of the Miscellaneous Records of Douglas County, Nebraska, to construct and maintain electric transmission line over, upon, along and above the W1/2 SE1/4 Sec. 5-15-12, along a line 2 feet east of the North-South centerline of said Section 5.

Easements granted to the State of Nebraska, Department of Roads, by instruments filed April 18, 1963, in Book 395 at Pages 737 and 739, and filed July 16, 1963, in Book 399 at Pages 627 and 629, and filed March 30, 1965, in Book 424 at Page 9, All of the Miscellaneous Records of Douglas County, Nebraska, for the control of outside advertising lying within 660 feet of the Interstate Highway Right-of-Way Controlled Access Line as measured at right angles to the centerline of Interstate Highway #80.

Easement and Right-of-Way granted to Metropolitan Utilities District of Omaha, by instrument dated July 17, 1973, filed July 30, 1973, in Book 525 at Page 97 of the Miscellaneous Records of Douglas County, Nebraska, to lay and maintain pipelines for the transmission of water and gas, together with the right of ingress and egress to and from the same, on, over and through the East 5 feet of Lots 17, 18, 19 and 20, and the South 5 feet of Lots 23 and 24, in Empire Park.

Easement granted to Omaha Public Power District by instrument dated October 28, 1974, filed November 25, 1974, in Book 545 at Page 141 of the Miscellaneous Records of Douglas County, Nebraska, to construct and maintain electric transmission lines over, above, along, under, in and across Pt. SE1/4 SW1/4 Sec. 5-14-12 lying East of Interstate Highway right-of-way and Lots 30 thru 34 Empire Park. (Affects Lot 34, Empire Park; Lots 52, 53 and 54, Empire Park - Second Platting; and, Lots 57, 58, 59 and 67, Empire Park Replat II.)

Right-of-Way Easement granted to Omaha Public Power District by instrument dated February 27, 1976, filed March 19, 1976, in Book 562 at Page 593 of the Miscellaneous Records of Douglas County, Nebraska, to construct and maintain electric transmission lines over, upon, above, along, under, in and across Lots 34, 39 and 40, Empire Park & Pt. E1/2 SW1/4 Sec. 5-14-12, East of Interstate. (Affects Lot 34, Empire Park, and Lots 41 thru 49 and 51 and 52, Empire Park - Second Platting.)

Right-of-Way Easement granted to Omaha Public Power District and Northwestern Bell Telephone Company by instrument filed December 22, 1977, in Book 591 at Page 251 of the Miscellaneous Records of Douglas County, Nebraska, to install and maintain electric and telephone facilities over, upon, above, along, under, in and across a strip of land in Lot 34, Empire Park and Lots 41 thru 45, Empire Park - Second Platting.

Right-of-Way Easement granted to Omaha Public Power District and Northwestern Bell Telephone Company by instrument dated October 10, 1977, filed December 22, 1977, in Book 591 at Page 252 of the Miscellaneous Records of Douglas County, Nebraska, to install and maintain electric and teleph facilities over, upon, above, along, under, in and across the South 10 feet Lots 23 and 24, Empire Park.

Right-of-Way Easement granted to Omaha Public Power District by instrument dated December 19, 1980, filed January 21, 1981, in Book 645 at Page 680 of the Miscellaneous Records of Douglas County, Nebraska, to install and maintain electric facilities over, upon, above, along, under, in and across a strip of land in the Southerly portion of that part of Lot 17, Empire Park covered hereby.

Right-of-Way Easement granted to Omaha Public Power District by instrument dated May 24, 1984, filed June 26, 1984, in Book 712 at Page 626 of the Miscellaneous Records of Douglas County, Nebraska, to install and maintain electric facilities over, upon, above, along, under, in and across the N12' of the E15' of Lot 18, Empire Park.

Easements granted for utilities by Plat and Dedication of Empire Park - Second Platting, filed April 29, 1976, in Book 1542 at Page 708 of the Deed Records of Douglas County, Nebraska, as shown on Plat Survey and over, upon or under a five foot strip of land adjoining the rear and side boundary lines of said lots, with provision for the termination of said side line easements.

Plat Survey reveals an O.P.P.D. Power-Line Easement affecting the Northerly portion of Lot 47; and, a 25 foot wide sanitary sewer easement affecting the Westerly 25 feet of Lot 54.

Permanent Easement granted to Sanitary and Improvement District No. 193 of Douglas County, Nebraska, by Report of Appraisers dated May 14, 1969, filed March 5, 1970, in Book 487 at Page 373 of the Miscellaneous Records of Douglas County, Nebraska, in a 40.00 foot wide strip of land in Pt. SW1/4 Sec. 5-15-12. (Affects Lot 54, Empire Park - Second Platting.)

Easements granted for utilities by Plat and Dedication of Empire Park Replat II, filed September 7, 1983, in Book 1713 at Page 20 of the Deed Records of Douglas County, Nebraska, on, over, through, under and across a five foot wide strip of land abutting the front and side boundary lot lines; an eight foot wide strip of land abutting the rear boundary lines of all interior lots; and, a sixteen foot wide strip of land abutting the rear boundary lines of all exterior lots, with provision for said sixteen foot wide easements to be reduced to eight feet.

Plat Survey reveals a 10 foot sanitary sewer easement affecting the Northerly 10 feet of Lot 2 and Lots 4 thru 9; a 20 foot drainage easement affecting the Westerly 10 feet of Lots 8 and 14 and the Easterly 10 feet of Lots 9 and 13; a 10 foot sanitary sewer easement affecting the Westerly 10 feet of Lots 60 and 61 and the Southerly 10 feet of Lot 60; and, a 28 foot existing

Omaha Public Power District Powerline Easement affecting the Southerly 28 feet of Lots 57, 58, 59 and 67.

Covenants, conditions and restrictions contained in instrument dated January 9, 1981, filed January 9, 1981. In Book 644 at Page 682 of the Miscellaneous Records of Douglas County, Nebraska, which contains no forfeiture provision.

Terms, conditions, agreements and limitations contained in Subdivision Agreement dated August 1981, filed October 2, 1981. In Book 660 at Page 402 of the Miscellaneous Records of Douglas County, Nebraska.

Easement and Right-of-Way granted to Metropolitan Utilities District of Omaha, by instrument dated January 5, 1981, filed March 6, 1981, in Book 647 at Page 600 of the Miscellaneous Records of Douglas County, Nebraska, to lay and maintain pipeline for the transportation of gas, together with the right of ingress and egress to and from the same, on, over, under and through the Westerly and Northerly 5 feet of Lot 30, Empire Park, along and parallel to the right-of-way of John Galt Boulevard from Q Street to 108th Street. (Affects Lot 2, Lots 4 thru 11, Lot 49, and Lots 59 thru 62, Empire Park Replat II.)

Permanent Easement granted to the City of Omaha, Nebraska, by instrument filed October 23, 1984, in Book 721 at Page 508 of the Miscellaneous Records of Douglas County, Nebraska, to construct and maintain a sanitary sewer in, through and under the E5' W15' of Lots 60 and 61, Empire Park Replat II.

Easement Agreement dated October 31, 1984, filed January 21, 1985, in Book 729 at Page 305 of the Miscellaneous Records of Douglas County, Nebraska, establishing easements for driveway and ingress and egress upon, over and across triangular portions in the Northeast corner of Lot 34 and in the Southeast corner of Lot 37, in Empire Park Replat II.

Easement and Right-of-Way granted to Metropolitan Utilities District of Omaha by instrument dated October 31, 1984, filed February 7, 1985, in Book 730 at Page 619 of the Miscellaneous Records of Douglas County, Nebraska, to lay and maintain pipelines for the transportation of water, together with the right of ingress and egress to and from the same on, over, under and through the South 5 feet of Lots 41 thru 46, and the East 5 feet of Lots 53 thru 57, in Empire Park Replat II.

Right-of-Way Easement granted to Omaha Public Power District by instrument dated March 14, 1985, filed May 14, 1985, in Book 738 at Page 574 of the Miscellaneous Records of Douglas County, Nebraska, to install and maintain electric facilities over, upon, above, along, under, in and across a tract in the Northeasterly portion of Lot 20, Empire Park.

Right-of-Way Easement granted to Omaha Public Power District by instrument dated March 14, 1985, filed May 14, 1985, in Book 738 at Page 576 of the Miscellaneous Records of Douglas County, Nebraska, to install and maintain electric facilities over, upon, above, along, under in and across a 10 foot wide strip of land in Lots 12 and 13, Empire Park Replat II.